

Court of Appeals of Nebraska  
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A-20-000871

Buttercase v. Davis, Revived in the Name of Representatives & Successors  
Motion for Revivor/or Subst of Parties  
Motion of Appellant to revive due to the death of Appellee, James  
Martin Davis, sustained in part. See Conditional Order. Alternate  
motion for substitution of parties overruled.

A-20-000871

Buttercase v. Davis, Revived in the Name of Representatives & Successors  
Motion Appt for Expedited Consideration  
Motion of Appellant for expedited consideration overruled as moot.

A-20-000871

Buttercase v. Davis, Revived in the Name of Representatives & Successors  
Motion Appt Disclosure of Subst Parties  
Motion of Appellant for disclosure of substitute parties' identities  
overruled.

A-21-000332

In re Interest of Diego A.  
Case Review re Rule 2-111 Submission  
By order of the Court, matter submitted without oral argument pursuant  
to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed  
from the December Review Docket of the Nebraska Court of Appeals.

A-21-000333

In re Interest of Marissa D.  
Case Review re Rule 2-111 Submission  
By order of the Court, matter submitted without oral argument pursuant  
to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed  
from the December Review Docket of the Nebraska Court of Appeals.

A-21-000351

State v. Clifford L Rush  
Motion Appt for Appointment of Counsel  
Motion of Appellant for appointment of counsel overruled.

A-21-000351

State v. Clifford L Rush  
Mot Appt to Default/Strike Appellee Brf  
Motion of Appellant to strike Appellee's brief is overruled.

A-21-000405

State v. Tracy Dillon  
Case Review re Rule 2-111 Submission  
By order of the Court, matter submitted without oral argument pursuant  
to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed  
from the December Review Docket of the Nebraska Court of Appeals.

A-21-000547

Tegra Corporation v. Boeshart  
Motion Appellant to Expand Pg Limit  
Motion sustained. Appellant granted an expansion of brief page limit

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to a total of 65 pages.

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A-21-000569

State v. Mark Sinachack

Motion Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to December 29, 2021. No further extensions will be allowed except upon a showing of good cause. Neither the stipulation of the parties nor the press of other business constitutes good cause. See Neb. Ct. R. App. P. § 2-106(F)(2).

A-21-000582

Kingston v. Kingston

Motion Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to January 3, 2022. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(F)(1).

A-21-000628

Pambo Land Holdings 16 LLC v. Long

Motion Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to December 29, 2021. No further extensions will be allowed except upon a showing of good cause. Neither the stipulation of the parties nor the press of other business constitutes good cause. See Neb. Ct. R. App. P. § 2-106(F)(2).

A-21-000634

Drake v. Allen

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to November 23, 2021.

A-21-000666

Richarz v. Lang

Motion Appt to Accept Late Filing of Brf

Motion sustained. Appellant's brief filed on November 23, 2021 is accepted as filed.

A-21-000667

Richarz v. Lang

Motion Appt to Accept Late Filing of Brf

Motion sustained. Appellant's brief filed on November 23, 2021 is accepted as filed.

A-21-000678

State v. Jaydin Smith

Motion Appellee to Extend Brief Date

Motion considered; Appellee's FINAL brief date extended to 14 days after court's ruling on Appellee's motion for summary affirmance.

A-21-000766

State v. Richard Schaub

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Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to December 20, 2021. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(F)(1).

A-21-000767

State v. Richard Schaub

Motion to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to December 20, 2021. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(F)(1).

A-21-000776

Estate of H.V. Stewart, Jr v. VSL Geneva, et al

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to December 22, 2021. No further extensions will be allowed except upon a showing of good cause. Neither the stipulation of the parties nor the press of other business constitutes good cause. See Neb. Ct. R. App. P. § 2-106(F)(2).

A-21-000793

State v. David Macias

Motion Appellee to Extend Brief Date

Motion considered; Appellee's FINAL brief date extended to 14 days after court's ruling on Appellee's motion for summary affirmance.

A-21-000795

Van Dyke v. Van Dyke

Ruling reserved

Ruling reserved on Appellant's motion to extend bill of exceptions preparation date pending supplement to affidavit signed by the appointing judge as required by Neb. Ct. R. App. P. § 2-105(B)(4). Supplementation to be filed by December 6, 2021. Appellant's counsel to notify court reporter.

A-21-000901

Scott Erickson Properties LLC v. Ellison

ROD

Misc Submission to Court - Jurisdiction

Appeal dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App. P. § 2-107(A)(2) for lack of a final, appealable order. The district court's October 12, 2021, order did not resolve all claims, such as the claim for damages. Nor does the record before this court reflect resolution of all claims as to all parties, such as other third-party defendants. See Neb. Rev. Stat. § 25-1315(1) (Reissue 2016) (any order which adjudicates fewer than all claims and rights and liabilities of all parties shall not terminate the action as to any of the claims or parties and is therefore not a final, appealable order). See, also, Sechovec v. Harms, 187 Neb. 70, 187 N.W.2d 296 (1971) (in suit where specific performance is granted, all damages growing out of defendant's breach of contract are litigable in specific performance action).

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S-19-001210

State v. Phillip P. Figures

Motion Appt for Appointment of Counsel

Mandate having been issued on April 26, 2021, Appellant's motion for appointment of counsel is overruled.

S-21-000232

In re Application of Hall for Accommodations

By order of the Court

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1).

S-21-000768

State v. Tyeric L Lessley

Motion Appellant Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to January 12, 2022. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(F)(1).